

REMARKS

Claims 1-20 are pending.

The Office Action rejects claims 1, 11, 17 and 19 under 35 USC 103 over Breed (US 2002/0198632) and further in view of Wehner (US 2004/0061600), rejects claims 2-5 over Breed in view of Wehner and Yu (US 2003/0126846), and rejects claims 6-10, 12-26, 18, and 20 under 35 USC 103(a) over Breed in view of Wehner, Yu and Taylor (US 2003/0169185). These rejections are respectfully traversed.

None of the applied references disclose or suggest a vehicular communication apparatus that is installed in a vehicle and that is designed to establish bidirectional communication with a foreign moving object, in which a plurality of pieces of information are repeatedly transmitted and received in a constant cycle, wherein a selection device (or means) selects selected pieces of information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object, as recited in independent claims 1, 11, 17 and 19. These claims require that an emergency level is determined based on a situation between the vehicle and a foreign moving object, such as another vehicle, a moving pedestrian, a moving bicycle, etc. When such an emergency level is determined, selected pieces of information are selected to be transmitted based on this emergency level.

The Office Action admits that Breed does not disclose a selection device (or means) selects selected pieces of information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object, but asserts that this feature is disclosed by Wehner. In particular, the Office Action asserts that Wehner discloses selecting pieces of information to be transmitted in accordance with application of brake, traction control, referring to 0037 and 0038.

However, as described in 0004-0007, position information, including speed, direction of travel, status is broadcast from a first vehicle. The information is broadcast, not directed to any particular vehicle. Any vehicles within range may receive the information. When the information is received by a second vehicle, a processor in the second vehicle may process the information

to determine if a warning to the driver of the second vehicle is needed. See 0008-0010 and 0029-0034. The information broadcast from the first vehicle is not selected in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object (such as a second vehicle) as required by the present claims. Instead, Wehner discloses to broadcast position, speed and status information. There is no indication in Wehner that pieces of the information are selected prior to transmission from the first vehicle, much less that pieces of the information are selected in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object.

To meet this limitation, Wehner would have to examine the pieces of information and select certain pieces of information for transmission in accordance with an emergency level between the first vehicle and a moving object. Wehner does not disclose determining an emergency level or situation between the first vehicle and a foreign object, so that selected pieces of the information may be transmitted pertaining to the emergency level between the first vehicle and the foreign moving object. Instead, in Wehner, all of the information is broadcast from the first vehicle. Further, Wehner requires that a response assessment processor 150 at the second (receiving) vehicle process all of the information to determine whether action is required. The claimed invention provides distinct advantages by transmitting only selected pieces of “emergency” information selected in accordance with an emergency level between the first vehicle and a moving object. For example, the claimed invention may transmit selected pieces of information regarding an imminent collision. This allows a smaller amount of information to be transmitted, allowing quicker response to emergencies.

The Office Action asserts that Wehner encompasses determining emergency level based on the situation between the vehicles, “since when the host vehicle apply sudden brake, the situation between the host vehicle and the following vehicle is obviously changed.” However, when the host vehicle apply sudden brake, it will broadcast this information irregardless of whether an emergency level or situation is created. For example, there may be no vehicle at all behind the host vehicle, or a following vehicle may be sufficiently far behind so that no emergency is created. Wehner does not select pieces of information to transmit based on an emergency situation between vehicles, but blindly broadcasts all of the information.

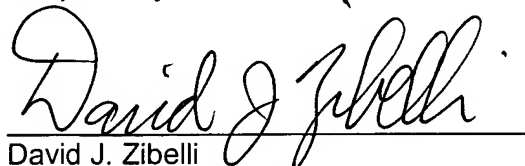
Thus, the applied references, even if combined, do not disclose or suggest bidirectional communication with a foreign moving object, in which a plurality of pieces of information are repeatedly transmitted and received in a constant cycle, wherein a selection device (or means) selects pieces of the received information to be transmitted in accordance with an emergency level, which is determined in accordance with a situation between the vehicle and the foreign moving object, as recited in independent claims 1, 11, 17 and 19. For these reasons, claims 1, 11, 17 and 19, and all claims dependent therefrom, would not have been obvious over the applied references.

Further, the other applied references do not solve the deficiencies of Breed and Wehner. Accordingly, none of the claims would have been obvious over the cited references. Withdrawal of the rejections is requested.

For the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any additional fees under 37 C.F.R. § 1.16, § 1.17, or § 1.136, or credit of any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

A handwritten signature in black ink, reading "David J. Zibelli", written over a horizontal line.

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Dated: November 20, 2006

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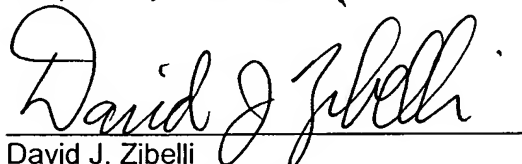
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